

## **IC 31-12**

### **ARTICLE 12. FAMILY LAW: DOMESTIC RELATIONS COURTS**

#### **IC 31-12-1**

##### **Chapter 1. Domestic Relations Courts; Provision of Counseling Services**

#### **IC 31-12-1-1**

Sec. 1. (a) This chapter applies only in judicial circuits in which the judges of the superior and circuit courts determine that:

- (1) the social conditions in the county; and
- (2) the number of domestic relations cases in the courts;

make the procedures provided in this chapter necessary for the full and proper consideration of the cases and to carry out this chapter.

(b) The majority of the judges of the superior and circuit courts in each judicial circuit shall make the determination under subsection (a) annually in January.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-2**

Sec. 2. In judicial circuits having at least three (3) judges of the superior court, the judges of the superior and circuit courts may annually, in January, designate one (1) or more of the judges to hear all cases under this chapter. The designated judges shall hold as many sessions of court each week as are necessary for the prompt disposition of the court's business.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-3**

Sec. 3. Each court exercising the jurisdiction conferred by this chapter may be designated as a domestic relations court.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-4**

Sec. 4. (a) Whenever a domestic relations court is established under this chapter, the domestic relations court has jurisdiction over all proceedings in the following causes of action:

- (1) Dissolution of marriage.
- (2) Separation.
- (3) Annulment.
- (4) Child support.
- (5) Paternity.

(b) A domestic relations court has jurisdiction that other courts in Indiana have over the causes of action listed in subsection (a). A domestic relations court may dispose of the causes of action listed in subsection (a) in the manner provided by statute for those causes of action. However, this chapter grants supplemental powers to domestic relations courts to aid the court in determining the difference between the parties and in protecting the welfare and rights of the child or children involved.

*As added by P.L.1-1997, SEC.4. Amended by P.L.197-1997, SEC.3.*

**IC 31-12-1-5**

Sec. 5. (a) If a judge appointed to act as judge of the domestic relations court is:

- (1) on vacation;
- (2) absent; or
- (3) for any reason unable to perform the judge's duties;

a majority of the judges of the superior and circuit courts may appoint another of the judges to act as judge of the domestic relations court during that period.

(b) A judge appointed under subsection (a) has all the powers and authority of the judge of the domestic relations court in cases under this chapter.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-1-6**

Sec. 6. The clerk of the courts in a judicial circuit in which a domestic relations court is established shall file all cases listed in section 4(a) of this chapter in the domestic relations court.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-1-7**

Sec. 7. The forms of action for:

- (1) dissolution of marriage;
- (2) annulment;
- (3) separation;
- (4) child support; or
- (5) paternity;

that are available to the parties under statute are the forms of action in any domestic relations court established under this chapter. However, the caption of the cause must show that the cause is filed in the Domestic Relations Court of \_\_\_\_\_ County.

*As added by P.L.1-1997, SEC.4. Amended by P.L.197-1997, SEC.4.*

**IC 31-12-1-8**

Sec. 8. Before the filing of an action for dissolution of marriage, annulment, separation, child support, or paternity, either spouse or both spouses may file in the domestic relations court a petition invoking the jurisdiction of the court for:

- (1) the purpose of preserving the marriage by effecting a reconciliation between the parties; or
- (2) the amicable settlement of the controversy between the spouses so as to avoid further litigation over the issue involved.

*As added by P.L.1-1997, SEC.4. Amended by P.L.197-1997, SEC.5.*

**IC 31-12-1-9**

Sec. 9. (a) In each of the judicial circuits in which this chapter applies, judges of the superior and circuit courts may appoint one (1) or more professionally qualified domestic relations:

- (1) referees;

- (2) counselors;
- (3) assistants; and
- (4) clerks;

as are considered necessary to serve at the pleasure of the appointing judge.

(b) The appointing judge shall fix the compensation and expense of the personnel appointed under this chapter, which shall be paid out of the county general fund.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-10**

Sec. 10. A domestic relations referee shall perform such duties as the judge of the domestic relations court assigns to the referee.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-11**

Sec. 11. A domestic relations counselor shall, when directed by the judge of any domestic relations court, perform the following duties in domestic relations cases and such other duties as the judge of the domestic relations court assigns to the counselor:

(1) The domestic relations counselor shall promptly receive all requests for counseling services for the purpose of disposing of the requests under this chapter.

(2) Whenever a petition is filed and either party requests counseling, the domestic relations counselor shall, in the counselor's discretion:

(A) interview and counsel each plaintiff and, if feasible and desirable, each defendant; or

(B) confer with both jointly;

for the purpose of reconciling the differences between the parties and making recommendations to the judge of the domestic relations court.

(3) In each case assigned to the domestic relations court in which the custody, support, or welfare of a child is involved, in order to protect and conserve the interest of the child, the domestic relations counselor shall investigate and report upon:

(A) the status and condition of the parties to the cause;

(B) the status and condition of the child;

(C) the provisions made or to be made for the protection of the welfare of the child; and

(D) any other matter pertaining to the marriage that may affect the welfare of the child.

(4) Upon request of the domestic relations court judge, the counselor shall:

(A) make post-dissolution studies of problems arising in connection with child custody, support, and visitation;

(B) provide assistance to the parties in the enforcement of support orders; and

(C) cause reports to be made and statistics to be compiled, which records and reports shall be kept as the judge of the domestic relations court may direct.

- (5) The counselor shall provide such supervision in connection with the exercise of the jurisdiction of the domestic relations court as the judge may order.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-12**

Sec. 12. The judge of a domestic relations court may appoint from among the domestic relations counselors one (1) counselor to act as director of domestic relations counseling. The director shall:

- (1) be responsible for receiving all applications and assignments for counseling under the order of the court and assign the applications to domestic relations counselors for further counseling and proceedings under this chapter;
- (2) cause reports to be made, statistics to be filed, and records to be kept as the judge of the domestic relations court directs; and
- (3) act in a supervisory capacity to all other domestic relations counselors so that the counselors promptly and properly act upon all requests for counseling service.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-13**

Sec. 13. The:

- (1) use of counseling service provided under this chapter; and
- (2) action taken that has been recommended by the domestic relations counselor;

is not condonation on the part of either spouse of acts that may constitute grounds for dissolution of the marriage.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-14**

Sec. 14. (a) All counseling:

- (1) proceedings;
- (2) interviews; and
- (3) conferences;

shall be held in private.

(b) All communications, verbal or written, and any record made as a result of the communications from the parties to the judge, the domestic relations counselor, or other person designated or recommended under this chapter in a counseling or conciliation proceeding:

- (1) are considered to be made in confidence; and
- (2) are not admissible and may not be used for any purpose in:
  - (A) any divorce or dissolution of marriage hearing; or
  - (B) any other proceeding.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-1-15**

Sec. 15. If after a reasonable time it appears that the use of counseling services under this chapter is not effective, the court shall, upon application of either party, set the cause for hearing on the court's trial docket.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-1-16**

Sec. 16. (a) This section does not apply to counseling proceedings, interviews, conferences, and communications that are confidential under section 14 of this chapter.

(b) A domestic relations court established under this chapter is a court of record and all proceedings in the court must be of record.

*As added by P.L.1-1997, SEC.4.*

## **IC 31-12-2**

### **Chapter 2. Establishment of Domestic Relations Counseling Bureau in Certain Counties; Provision of Counseling Services**

#### **IC 31-12-2-1**

Sec. 1. This chapter applies only to the following:

(1) A judicial circuit in which there is located a consolidated city and the judges of the superior court and the judge of the circuit court determine that the social conditions in the county and the number of domestic relations cases in the courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

(2) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) in which the judge of the circuit court determines that the social conditions in the county and the number of domestic relations cases in the county's courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-2**

Sec. 2. For:

(1) any judicial circuit in which there is located a consolidated city, the judges described in section 1(1) of this chapter may establish a bureau of the courts; and

(2) a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-3**

Sec. 3. A judge may order either or both parties in a domestic relations proceeding to:

(1) report to the domestic relations bureau;

(2) cooperate in counseling; and

(3) furnish the counselor with pertinent information in a party's knowledge.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-4**

Sec. 4. (a) A domestic relations counseling bureau shall provide counseling service to the parties in separation, dissolution, or annulment actions, including enforcement, modification, and post-decree proceedings that are:

(1) filed in a court; and

(2) referred to the bureau by a judge with the intent to assist in a

reconciliation of the parties, in the care and treatment of children, if any, and in the possible solution of any marriage problems or issues in a proceeding, in promotion of the general welfare.

(b) The bureau may receive cases referred to the bureau by attorneys at law, the ministry, or other agencies before a divorce action is filed, and counsel other married couples who seek the bureau's services of their own volition.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-5**

Sec. 5. (a) The judges described in section 1(1) of this chapter and the judge described in section 1(2) of this chapter may appoint:

(1) one (1) or more professionally qualified domestic relations referees, counselors, and other necessary personnel, including a full-time director; and

(2) necessary assistants and clerks;

to serve during the pleasure of the appointing judge to staff the domestic relations counseling bureau.

(b) The appointing judge shall fix the compensation and expenses of the personnel appointed under this chapter, which shall be paid out of the county general fund.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-6**

Sec. 6. The domestic relations counseling bureau shall perform the following duties in domestic relations cases and such other duties as the judges described in section 1(1) of this chapter, the judge described in section 1(2) of this chapter, or a magistrate assigns to the domestic relations counseling bureau:

(1) The domestic relations counseling bureau shall promptly receive all requests for counseling services for the purpose of disposing of the requests under this chapter.

(2) Whenever a proceeding is initiated and either party requests counseling or mediation, the domestic relations counseling bureau shall, in the bureau's discretion, interview and counsel each party or confer with both parties jointly for the purpose of reconciling the differences between the parties and making recommendations to the judge of any court upon referral.

(3) In each case assigned to the bureau in which the custody, support, or welfare of a child is involved, to protect and conserve the interest of the child, the domestic relations counseling bureau shall investigate and report upon:

(A) the status and condition of the parties to the cause;

(B) the status and condition of the child;

(C) the provisions made or to be made for the protection of the welfare of the child; and

(D) any other matter pertaining to the marriage that may affect the welfare of the child.

(4) Upon order of the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter, the domestic relations counseling bureau shall:

- (A) make post-divorce studies of problems arising in connection with child custody, support, and visitation;
  - (B) provide assistance to the parties in the enforcement of support orders; and
  - (C) cause reports to be made and statistics to be compiled, which records and reports shall be kept as the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter directs.
- (5) The domestic relations counseling bureau shall provide supervision in connection with referred cases or other cases as the judges described in section 1(1) of this chapter or the judge described in section 1(2) of this chapter may order.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-7**

Sec. 7. The:

- (1) use of counseling service provided under this chapter; and
- (2) action taken that has been recommended by the domestic relations counselor;

is not condonation on the part of either spouse of acts that may constitute grounds for divorce or dissolution of the marriage.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-8**

Sec. 8. (a) All counseling:

- (1) proceedings;
- (2) interviews; and
- (3) conferences;

shall be held in private.

(b) All communications, verbal or written, and any record made as a result of the communications from the parties to the judge, the domestic relations counselor, or other person designated or recommended under this chapter in a counseling or conciliation proceeding;

- (1) are considered to be made in confidence; and
- (2) are not admissible and may not be used for any purpose in:
  - (A) any divorce or dissolution of marriage hearing; or
  - (B) any other proceeding.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-9**

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Sec. 9. The judges in carrying out this chapter must act by a majority of all their number.

*As added by P.L.1-1997, SEC.4.*

#### **IC 31-12-2-10**

Sec. 10. The judges described in section 1(1) of this chapter and the judge described in section 1(2) of this chapter shall establish uniform rules if applicable and may make special orders and rules as necessary.



*As added by P.L.1-1997, SEC.4.*

**IC 31-12-2-11**

Sec. 11. The domestic relations counseling bureau may receive gifts and donations from private sources under approval of the judges or the judge to supplement the bureau's budget.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-2-12**

Sec. 12. In a circuit or county that has a marriage counseling service paid for by private money and supervised by a court, the domestic relations counseling bureau may receive all records and property of the existing service and incorporate the records and property into the bureau's service.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-3****Chapter 3. Family Relations Division of Court****IC 31-12-3-1**

Sec. 1. Any court that exercises jurisdiction over domestic relations cases may establish a family relations division of the court.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-3-2**

Sec. 2. The family relations division may be administered by:

- (1) the community mental health center;
- (2) a managed care provider (as defined in IC 12-7-2-127(b)); or
- (3) any other person approved by the court.

*As added by P.L.1-1997, SEC.4.*

**IC 31-12-3-3**

Sec. 3. The family relations division shall offer counseling and related services to persons before the court. Conciliation procedures are governed by IC 31-15-9.

*As added by P.L.1-1997, SEC.4.*